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SEALD INDICTMENT

: 21 Cr.

21 CRIM 313

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[illegible]

(Conspiracy to Distribute Controlled Substances
and a Controlled Substance Analogue)

THE SYNTHETIC CANNABINOIDS DISTRIBUTION SCHEME

1. From at least in or about February 2019, up to and including in or about May 2021, in the Southern District of New York and elsewhere, NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, operated a scheme to distribute massive quantities of smokeable synthetic cannabinoids ("SSC"), colloquially referred to as "K2" or "Spice," containing controlled substances and/or a controlled substance analogue, throughout the United States.

2. NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, sold SSC through at least four different websites that they operated, namely K2HerbStore.com, HerbalPlug.com, LegalAromaTherapy.com and LegalHerbalSmack.com (collectively, the "Websites"). The SSC the defendants sold through the Websites included dried, shredded plant material onto which synthetic cannabinoid chemicals had been sprayed. The SSC distributed by the scheme was branded with colorful graphics and distinctive names, including "Train Wrecked," "Scooby Snax Kush," "Bizarro," "AK 47," "Hi5 Triple X," "Evil Santa," "Krazy Turkey," "Sexy Monkey," "W.T.F.," and "COVID-19 Coronavirus Limited Edition."

3. In an effort to conceal their criminal activity and advertise their illegal products, NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, used names for certain of the Websites that falsely represented that their SSC products were "legal." The defendants also sometimes misleadingly described their SSC products publicly as "not for human consumption," "potpourri," "herbal incense," and "legal aroma therapy," when, in fact, the defendants intended that the SSC would be consumed by drug users and they knew that their conduct was unlawful.

4. Over the course of the scheme, NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, shipped thousands of packages of SSC through the United States mail from the Bronx, New York, to customers in all 50 states and the District of Columbia, which contained a total of hundreds of kilograms of SSC. The defendants earned more than approximately \$1 million from their illegal marketing and sale of SSC during the course of the scheme.

STATUTORY ALLEGATIONS

5. From at least in or about February 2019, up to and including in or about May 2021, in the Southern District of New York and elsewhere, NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the drug laws of the United States.

6. It was a part and an object of the conspiracy that NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1). The controlled substances that that the defendants conspired to distribute and possess with intent

to distribute were mixtures and substances containing a detectable amount of (a) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (known as "5F-MDMB-PICA"), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C); (b) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide (known as "ADB-BUTINACA"), a positional isomer of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (known as "AB-PINACA"), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (c) tramadol, a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(b)(2).

7. It was further a part and an object of the conspiracy that NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance analogue, in violation of Title 21, United States Code, Section 841(a)(1). The controlled substance analogue that the defendants conspired to distribute and possess with intent to distribute was mixtures and substances containing a detectable amount of 3-methyl-N-[[1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl]-L-valine, methyl ester (known as "MDMB-4en-PINACA"), a controlled substance analogue, as defined

in Title 21, United States Code, Section 802(32), of methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (known as "5F-ADB" and "5F-MDMB-PINACA"), a Schedule I controlled substance, that was intended for human consumption and is treated as a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 813 and 841(b)(1)(C).

8. It was further a part and an object of the conspiracy that NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, and others known and unknown, would and did deliver, distribute, and dispense a controlled substance by means of the Internet, in a manner not authorized by law, and would and did aid and abet such activity, in violation of Title 21, United States Code, Section 841(h).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

9. As a result of committing the offense alleged in Count One of this Indictment, NIAZ KHAN, NOEL SANABRIA, ANDRE GOMES, and PATRICK PATTERSON, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be

used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property:

a. Any and all funds contained in Bank of America account number 483050153702, held in the name of Andre Julian Gomes;

b. Any and all funds contained in Bank of America account number 483079289301, held in the name of Logic Tank Inc.;

c. Any and all funds contained in Bank of America account number 483072918145, held in the name of Logic Tank Inc, d/b/a SA Sales;

d. Any and all funds contained in J.P. Morgan Chase Bank account number 680500540565, held in the name of Noel Sanabria;

e. Any and all funds contained in J.P. Morgan Chase Bank account number 2331341509, held in the name of Noel Sanabria;

f. Any and all funds contained in J.P. Morgan Chase Bank account number 507113376, held in the name of Noel Sanabria;

g. Any and all funds contained in J.P. Morgan Chase Bank account number 216970217, held in the name of Noel Sanabria;

h. Any and all funds contained in Santander Bank account number 8941316227, held in the name of Noel Sanabria;

i. Any and all funds contained in Santander Bank account number 8941316219, held in the name of Noel Sanabria;

j. Any and all funds contained in Bank of America account number 483063383860, held in the name of Noel Sanabria;

k. Any and all funds contained in Bank of America account number 483084920354, held in the name of Noel Sanabria;

l. Any and all funds contained in J.P. Morgan Chase Bank account number 183295172, held in the name of Noel Sanabria;

m. Any and all funds contained in J.P. Morgan Chase Bank account number 2932797067, held in the name of Noel Sanabria;

n. Any and all funds contained in TD Bank account number 4330488663, held in the name of Noel Sanabria;

o. Any and all funds contained in TD Bank account number 6759024789, held in the name of Noel Sanabria;

p. Any and all funds contained in Bank of America account number 483063368746, held in the name of Noel Sanabria;

q. Any and all funds contained in Bank of America account number 483051026715, held in the name of Noel Sanabria;

r. Any and all funds contained in Bank of America account number 483071786213, held in the name of Patrick Patterson;

s. Any and all funds contained in Bank of America account number 483079685811, held in the name of PNN Enterprise Inc.;

t. Any and all funds contained in J.P. Morgan Chase Bank account number 3712909895, held in the name of Ramon L. Sanabria;

u. Any and all funds contained in J.P. Morgan Chase Bank account number 306751733, held in the name of Ramon L. Sanabria; and

v. Any and all funds contained in TD Bank account number 4358007859, held in the name of Niaz Khan.

Substitute Assets Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

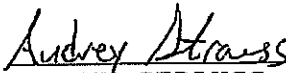
c. has been placed beyond the jurisdiction of
the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property
which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendants up to the value of the above
forfeitable property.

(Title 21, United States Code, Section 853.)


Foreperson


AUDREY STRAUSS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

NIAZ KHAN,
NOEL SANABRIA,
ANDRE GOMES, and
PATRICK PATTERSON,

Defendants.

SEALED INDICTMENT

21 Cr. ____

(21 U.S.C. § 846.)

AUDREY STRAUSS
United States Attorney


Foreperson
